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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,735	08/22/2001	Rohit J. Parmar	119862-1000	9021

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/07/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,735

Applicant(s)

PARMAR, ROHIT J.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2172

### **DETAILED ACTION**

This office action is in response to the amendment filed on January 9, 2004, in which claims 1-16 are presented for further examination.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia US Patent no. 6,088,429 in view of Coli US Patent no. 4,315,309.

As to claim 1, Garcia discloses the claimed "at least one database" (col.2, line 67); "a data collection module, the data collection module in communication with the database and being configured to collect and stored patient test data, patient information, and healthcare provider information" (col.3, lines 2-20); "a data viewing module, the data viewing module in communication with the database and being configured to allow access to and modification of the patient test data" (col.9, lines 14-22, lines 55-63; col.11, lines 18-28); and "patient access module, the patient access module in communication with the database and being configured to allow access by a user to view tests performed on a patient" (col.4, lines 45-48;

col.6, lines 55-57; col.7, lines 10-15). Garcia does not explicitly disclose the claimed “a report generation module, the report generation module in communication with the database and being configured to produce reports from the patient test data”. However, Garcia has the capability of enabling generation of reports that document the effectiveness of the application at reaching patients (col.4, lines 60-63).

On the other hand, Coli discloses the claimed “a report generation module, the report generation module in communication with the database and being configured to produce reports from the patient test data” (col.2, lines 44-47; col.3, lines 45-50; col.4, lines 50-55; col.7, lines 33-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the interactive medical database, provided therein (see Garcia’s fig.2, item 214) would incorporate the use of generating reports from patient test data, in the same conventional manner as disclosed by Coli (col.2, lines 44-47; col.3, lines 45-50; col.4, lines 50-55; col.7, lines 33-65). One having ordinary skill in the art would have found it motivation to do such a combination because that would provide Garcia’s system the enhanced capability of generating periodic patient report to thereby assist the patient care in assimilating the information in the least possible time while eliminating the necessity to consider irrelevant test data which might otherwise become intermixed with that appearing in the patient report.

As to claim 2, Coli disclose the claimed “wherein the data collection module includes one or more test data entry forms” (col.9, lines 46-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the interactive medical database, provided therein (see Garcia’s fig.2, item 214) would incorporate the use of including on or more test data entry forms in the same conventional manner as disclosed by Coli (col.9, lines 46-67). One having ordinary skill in the art would have found it motivation to do such a combination because that would provide Garcia’s system the enhanced capability of providing one or more test data entry forms to thereby assist the patient care in assimilating the information in the least possible time while eliminating the necessity to consider irrelevant test data which might otherwise become intermixed with that appearing in the patient report.

As to claim 3, Garcia disclose the claimed “wherein the specialized healthcare need is cardiological care” (col.3, lines 1-5).

As to claim 4, Garcia disclose the claimed “a physician viewing module in communication with the database and being configured to allow physicians to view patient test data” (col.7, lines 10-15; col.9, lines 13-20).

As to claim 5, Garcia disclose the claimed “wherein the test data entry forms include digital signatures” (col.7, lines 50-62; col.4, lines 1-22).

As to claims 6-11:

Claims 6-11 are the computer program embodied on a computer readable medium for performing the system of claims 1-5. They rejected under the same rationale. In addition, discloses the claimed "a code segment to affix a digital signature"(col.7, lines 10-15; col.9, lines 13-20); and "a code segment to a fax report" (col.11, line 35-col.12, line 17).

As to claims 12-16:

Claims 12-16 are method claims to perform the system claims 1-5. They are, therefore, rejected under the same rationale. In addition, discloses the claimed "affixing a digital signature"(col.7, lines 10-15; col.9, lines 13-20).

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-305.

The examiner can normally be reached on Monday - Friday (1:00PM - 9:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

April 3, 2004